

REMARKS

Claims 10-25 are pending in this application. New claim 25 has been added.

Request for Initialed Form PTO/SB/08

In reviewing the application file, the undersigned has noted that the appropriate initialed Form PTO/SB/08 in response to the Information Disclosure Statement (IDS) filed on May 16, 2005 has not been received by Applicant. The Examiner is therefore requested to return a copy of the initialed Form PTO/SB/08 to the undersigned as soon as possible.

Specification

Minor changes have been made to the specification to place it in better form for U.S. practice.

Substitute Specification

The above-noted specification changes are set forth in the attached Substitute Specification. The Substitute Specification does not contain new matter.

A Comparison Specification showing the matter being added to and deleted from the original specification is also submitted herewith.

The Examiner is respectfully requested to approve the Substitute Specification.

Claim Rejections - 35 U.S.C. § 112

Claims 10-24 have been rejected under 35 U.S.C. § 112, second paragraph, because of some informalities.

The rejected claims have been amended to overcome this rejection.

The Examiner is respectfully requested to reconsider and withdraw this rejection.

Further, minor changes have been made to the pending claims to place them in better form for U.S. practice.

Claim Rejections - 35 U.S.C. § 103

(a) Claims 10-15 and 19-22 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Podoleanu et al. (USP 5,975,697) in view of Mori et al. (USP 6,476,919). This rejection is respectfully traversed.

Podoleanu discloses an OCT 40 (optical coherence tomography) with optical fibers for an optical mapping apparatus. In the measuring arm, the light of a broadband light 50 is fed via a fiber 3 and an optical element 6 to a 2D scanning assembly 10 and, from there, via an interface optics 12 to an eye 13. From the eye 13, the light is fed via a fiber 4, a coupler/splitter 44, a fiber 5, and a coupler/splitter 44, a fiber 41 to a focusing element 75, and a movably mounted reflection assembly 46. The light reflected from the reflection assembly 46 is then fed via a focusing element 77, a fiber 43 to a coupler/splitter 42, and then also to the photo detectors 402, 404. In the reference path, a phase modulator 408 is placed.

Podoleanu discloses some features similar to the present invention. However, in contrast to the claimed invention of the present application, the OCT 40 of Podoleanu is not modular. Accordingly, neither the patient module (for example, the scanning assembly 10) nor any of the optical fibers includes corresponding fiber couplers. A further difference to the present invention is the fact that, in Podoleanu, an observation device (such as a display unit as claimed in claim 11) is not “arranged in the patient module” as recited in claim 10, and is just a separate computer monitor.

Mori is directed to a polarization independent reflectometer. As shown in Fig. 4, for example, the light from a source 1 is fed via a coupler 2 to a measured optical module 3, and reflected and fed to the photo detectors 26, 27 via couplers 2 and 21. Another part of the light is fed via the coupler 2, reflector 25, a delay line 5, a polarization controller 100, and to the photo detectors 26, 27. The reflectometer is at least partially modular in that the module 3 to be measured as well as the delay line 5 is connectable to the reflectometer via optical connectors 10, 11, and 12. The polarization independency is achieved by polarizing the reflected light alternately by 0° or 90° with the polarization controller 100.

Unlike the present invention, Mori does not disclose or suggest a modular ophthalmological examination and/or treatment station for a human patient's eye. Mori does not even disclose or suggest a patient module that is to be placed in front of a patient's eye. Moreover, Mori fails disclose or suggest providing an observation device in the patient module as required in claim 10.

The claimed invention of the present application provides an examination and/or treatment station which can avoid large arrangements in front of the patient's eye (as described in the specification). The present invention solves this problem by forming the station modular and by positioning at least some of the large module not in front of the patient, but remote from the eye and connecting them with the patient module by optical fibers. Other modules, such as the observation device, are integrated for space-saving in the patient module.

In summary, even assuming that Podoleanu and Mori can be combined, which Applicant does not admit, Podoleanu in view of Mori fails to disclose or suggest the "observation device," as recited in claim 10.

Claims 11-15 and 19-22, variously dependent on claim 10, are allowable at least for their dependency on claim 10.

The Examiner is respectfully requested to reconsider and withdraw this rejection.

(b) Claims 16, 17, 23, and 24 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Podoleanu in view of Mori, and further in view of Dogariu (USP 6,256,102). This rejection is respectfully traversed.

Claims 16, 17, 23, and 24, variously dependent on claim 10, are allowable at least for their dependency on claim 10.

The Examiner is respectfully requested to reconsider and withdraw this rejection.

Allowable Subject Matter

Applicants appreciate the Examiner's indication that claim 18 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. § 112, second paragraph, and to include all of the limitations of the base claim and any intervening claims.

Applicants, however, believe that claim 18, indirectly dependent on claim 10, is allowable at least for its dependency on claim 10.

A favorable determination by the Examiner and allowance of this claim is earnestly solicited.

New Claim

New claim 25, dependent on claim 10, is allowable at least for its dependency on claim 10.

A favorable determination by the Examiner and allowance of this claim is earnestly solicited.

Conclusion

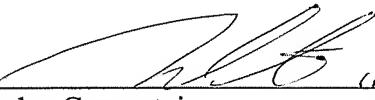
Accordingly, in view of the above amendments and remarks, reconsideration of the rejections and objections, and allowance of the pending claims are earnestly solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Maki Hatsumi (#40,417) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or to credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Dated: February 28, 2007

Respectfully submitted,

By  (reg. # 40,417)  
for Charles Gorenstein  
Registration No.: 29,271  
BIRCH, STEWART, KOLASCH & BIRCH, LLP  
8110 Gatehouse Road  
Suite 100 East  
P.O. Box 747  
Falls Church, Virginia 22040-0747  
(703) 205-8000  
Attorney for Applicant

Attachments: Substitute Specification - 25 pages  
Comparison Specification - 36 pages